



New Jersey Department of Children and Families Policy Manual

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Chapter:	B	Domestic Violence	5-10-2010
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Purpose 5-10-2010

When domestic violence co-occurs with child abuse and/or neglect, appropriate and timely identification, assessment, and intervention promote successful outcomes regarding child safety, stability, and permanency. The purpose of this section is to:

- Present a common definition of domestic violence for CP&P Workers;
- Present the statutory requirements, and the Division's guiding principles, goals and objectives when responding to families in which domestic violence and child abuse and/or neglect co-occur;
- Present confidentiality policies; and
- Refer staff to the [Domestic Violence Protocol](#), which must be followed when responding to families in which domestic violence and child abuse and/or neglect co-occur.

Authority 4-21-2008

- N.J.S.A. 2C:25-17 et seq., The Prevention of Domestic Violence Act of 1991
- N.J.S.A 30:14-1 et seq., The Shelters for Victims of Domestic Violence Act
- N.J.S.A. 9:6, Abandonment, Abuse, Cruelty and Neglect
- N.J.S.A. 30:4C, Dependent and Neglected Children
- N.J.S.A. 9:6-8.55, Order of Protection

Definitions: 5-10-2010

“Domestic violence” (common definition) is a pattern of coercive behavior used by the batterer to establish control and fear in a relationship against an intimate partner, including physical abuse, verbal abuse, isolation, sexual abuse, threats, intimidation, emotional abuse, economic control, deprivation of rights and freedom, and the abuse and/or neglect of children. See [CP&P-VIII-B-1-200](#), Guiding Principles When Domestic Violence and Child Abuse Co-Occur, for the legal definition of domestic violence.

- The severity or type of abuse may differ but power and control are the goals.
- Domestic violence occurs across racial, ethnic and socio-economic groups, in heterosexual and same sex relationships. Both males and females can be batterers. However, national statistics show that 95% of domestic violence victims are female.

“Non-Offending Parent/caregiver” is any person who is defined as a victim of domestic violence in the Prevention of Domestic Violence Act of 1991 (N.J.S.A. 2C:25-19), who is not an alleged or substantiated perpetrator of child abuse and/or neglect or an alleged or convicted batterer.

“Batterer” is a perpetrator of domestic violence.

“Safety Plan” is an individualized plan battered women develop to reduce the risks they and their children face. These plans include strategies to reduce risk of physical violence and other harm caused by a batterer, and also include strategies to maintain basic human needs such as income, housing, health care, food, child care, and education for the children. The particulars of each plan vary depending on whether a woman has separated from the batterer, plans to leave, or decides to stay, as well as what resources are available to her and the children.

The non-offending parent/caregiver may develop a safety plan with the domestic violence liaison or domestic violence community program for her protection and the protection of the children.

“Peace: A Learned Solution,” or **“PALS”** is a research-based, intensive therapeutic program using creative arts therapies for children, ages 4 to 12, exposed to domestic violence and their non-offending parents.

Child Safety Mandated by Child Protection Law 4-21-2008

State law, N.J.S.A. 9:6-8.8, mandates that the safety of the children served by CP&P shall be of paramount concern; when assisting families where domestic violence and child abuse and neglect co-occur, the CP&P Worker's primary responsibility is to ensure the safety of the child.

Domestic Violence Laws 10-6-2008

New Jersey's domestic violence laws:

- A)** N.J.S.A. 2C:25-17 et seq., The Prevention of Domestic Violence Act of 1991; and
- B)** N.J.S.A. 30:14-1 et seq., The Shelters for Victims of Domestic Violence Act, provide the framework for the handling of domestic violence situations by law enforcement and the courts and the provision of services for victims of domestic violence and their children.

A) The Prevention of Domestic Violence Act

It is the intent of the Act to assure the victims of domestic violence the maximum protection the law can provide. The Act defines who is protected as a victim:

- Any person who is 18 years of age or older or who is an emancipated minor (see [CP&P-III-A-1-200](#) for the definition of an emancipated minor), who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member;
- Any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child or anticipates having a child in common, if one of the parties is pregnant; or
- Any person, regardless of age, who has been subjected to domestic violence by a person with whom he or she has a dating relationship;

Any person in a same sex relationship is also protected.

B) The Shelter Act

The Shelter Act provides:

- Emergency shelters and other core services for domestic violence victims and their children in each county;
- Guidelines for confidentiality for shelter residents; and

- Guidelines specifying to whom a minor residing in a shelter may be released.

Guiding Principles 10-6-2008

The principles that guide the CP&P Worker's response when child abuse/neglect and domestic violence co-occur include:

- The child's safety is paramount -- the primary responsibility of CP&P staff is to ensure the safety of children and to prevent risk of future harm. Assessment for safety and risk of harm is ongoing, from screening through case closing.
- Enhancing the safety of the non-offending parent/caregiver through appropriate legal and community supports and resources enhances the safety of the child.
- CP&P Workers advocate for the child and the non-offending parent/caregiver by providing support services, and information and referral in a respectful and non-blaming manner.
- Intervention is provided with respect and understanding of the family's culture.
- Each family member's individual strengths and needs guide assessment, case planning, and the provision of services.
- A continuum of care that builds on informal resources (e.g., neighbors, clergy) and formal community supports (e.g., counselors, health professionals), is essential to meet the needs of these families.
- Collaborative relationships with law enforcement, the courts, domestic violence programs, batterer intervention programs, and other service providers are essential to address the needs of these families and to hold batterers accountable for their actions.
- Removal of the child from the non-offending parent/caregiver is a last resort, only after reasonable efforts to prevent placement have been made. See [CP&P-III-B-2-200](#), Reasonable Efforts.

Goals and Outcomes 10-6-2008

The primary goals/outcomes of CP&P intervention with a family experiencing the co-occurrence of child abuse and/or neglect and domestic violence are:

- To ensure the safety of the child whose family is experiencing the co-occurrence of child abuse and/or neglect and domestic violence, from reporting through case termination.
- To develop a Safety Protection Plan with the non-offending parent/caregiver for each child, to ensure that each child is safe from harm and substantial risk of harm.
- To enable the child to live in a stable and nurturing home environment.
- To provide individualized, strengths-based, needs-driven services to the child and family.
- To reduce subsequent reports of domestic violence and/or child abuse and neglect while CP&P is providing services and after case closure.

Domestic Violence Services 4-21-2008

DCF funds at least one domestic violence program in each county that provides core services, including 24 hour hotline and shelter services; specialized counseling; legal, financial and housing advocacy; children's services; community education; and community networking. Contact information for domestic violence programs, including culturally specific services, by county, can be accessed through:

<http://www.njcedv.org/help/>.

Domestic violence programs in several counties also provide the Peace: A Learned Solution (PALS) program. The PALS program provides comprehensive services for children, ages 4 to 12, including assessment, individual and group creative arts therapies such as art and dance/movement, educational support, parent-child and family enrichment activities, and transportation arrangements. It also provides services for the non-offending parent/caregiver, including counseling, advocacy and case management services to assist with concrete needs such as housing, employment and legal support. PALS, typically provides intensive services for six months and then follow-up services for an additional six months. PALS programs are funded by DCF.

Domestic Violence Liaison Program 4-21-2008

The Domestic Violence Liaison Program is a partnership between the Department of Children and Families and the NJ Coalition for Battered Women at the State level and the CP&P offices and domestic violence programs at the county level. Domestic Violence Liaisons are domestic violence specialists co-located at CP&P Local Offices

(when available), to provide case consultation, support and advocacy for domestic violence victims and their children. The purpose of this collaboration is to:

- Increase safety, improve outcomes, and reach the primary goals for children and their non-offending parents/caregivers in domestic violence situations.
- Strengthen DCF/CP&P capacity to provide effective assessments and intervention for families in domestic violence situations.

Confidentiality 10-6-2008

Additional confidentiality safeguards are required when domestic violence is present to protect information regarding the whereabouts of the non-offending parent/caregiver and the child, and other client information:

- The location of a non-offending parent/caregiver and her child residing temporarily in a domestic violence shelter cannot be revealed to anyone without the consent of the non-offending parent/caregiver. See [CP&P-IX-G-1-100](#), section entitled N.J.S.A. 30:14-1 et seq. - Shelters for Victims of Domestic Violence Act.
- Court complaints, attachments to complaints, and court reports must not reveal the location or address of the non-offending parent/caregiver.
- When referring family members to community agencies for services, the Worker keeps confidential:
 - Information specified in The Prevention of Domestic Violence Act of 1991, N.J.S.A. 2C:25-17 et seq., including:
 1. The non-offending parent's/caregiver's location on records or documents:
 - Request the non-offending parent's/caregiver's consent prior to giving information on her location to a service provider.
 - When sending any information to a service provider, if the non-offending parent/caregiver did not consent to releasing references to her location, REDACT all references to the location.
 2. Records maintained pursuant to N.J.S.A. 2C:25-17 et seq., and not making them available to any individual or institution except

as provided by law, including, but not limited to, applications for relief, criminal complaints, and restraining orders; and

3. Records released by the Administrative Office of the Courts regarding domestic violence restraining orders kept in the Domestic Violence Central Registry.

- Health-related information protected under the Federal Health Insurance Portability and Accountability Act. Information is released in accordance with DCF Form HIPAA 1.A.1, State of New Jersey, Department of Children and Families Notice of Privacy Practices. The DCF Form HIPAA 1.A.1 is located in the on-line computerized Forms Manual (By Letter).

Order of Protection 4-21-2008

Under N.J.S.A. 9:6-8.55, a CP&P Worker may seek an Order of Protection to require a perpetrator of child abuse/neglect or a batterer to stay away from the home, the child, and the non-offending parent/caregiver; or for other relief. Consult the DAG assigned to your Local Office when considering whether to pursue an Order of Protection.

DCF Domestic Violence Protocol 5-10-2010

The purpose of the [Domestic Violence Protocol](#) is to provide consistent case handling standards that must be followed by DCF/CP&P staff when domestic violence is alleged, suspected, or co-occurs with child abuse and/or neglect.

Related Policy 4-21-2008

- [CP&P-VIII-B-1-200](#), Guiding Principles When Domestic Violence and Child Abuse Co-Occur
- [CP&P-IX-G-1-100](#), N.J.S.A. 30:14-1 et seq. - Shelters for Victims of Domestic Violence Act

Domestic Violence Information 5-10-2010

This section contains information on how to access:

- DCF/CP&P domestic violence policy and procedures that must be followed when domestic violence is alleged or co-occurs with child abuse and/or neglect;

- The full text of current domestic violence laws, N.J.S.A. 2C:25-17 et seq., The Prevention of Domestic Violence Act of 1991, and N.J.S.A. 30:14-1 et seq., The Shelters for Victims of Domestic Violence Act; and
- Contact information for domestic violence services within each county, found in the Guide to Services in New Jersey for Victims of Domestic Violence, produced by the New Jersey Coalition for Battered Women.

The domestic violence links/websites listed below are presented for use by:

- SCR Screeners, when handling reports of alleged child abuse/neglect that co-occurs with domestic violence; and
- CP&P Workers, Supervisors, and field/support staff when responding to families in which domestic violence and child abuse/neglect co-occur.

How to Access Domestic Violence Information 5-10-2010

- Access the laws at: www.njleg.state.nj.us. Go to Laws and Constitution, Statutes, and then insert into the "Search Box" "2C:25-17" or "30:14-1." (Always use the quotation marks around your law cite.)
- Access service contact information at: <http://www.njcedv.org/help/>.

Related Policy 5-10-2010

- [CP&P-IX-G-1-100](#), section N.J.S.A. 30:14-1 et seq. - Shelters for Victims of Domestic Violence Act